

sub 35.2 >
seed of said hybrid maize plant 39M27 having been deposited under ATCC accession number _____, wherein the tissue regenerates plants expressing all the morphological and physiological characteristics of said hybrid maize plant 39M27.

6. (Amended)

A tissue culture according to claim 5, wherein cells or protoplasts are derived from a tissue selected from the group consisting of leaves, pollen, embryos, roots, root tips, anthers, silks, flowers, kernels, ears, cobs, husks, and stalks.

A² control
7. (Amended)

A maize plant, or its parts, regenerated from the tissue culture of claim 5 and expressing all the morphological and physiological characteristics of hybrid maize plant 39M27, representative seed having been deposited under ATCC accession number _____.

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8. (Amended)

The maize plant of claim 2 wherein said plant has been manipulated to be male sterile.

9. (Amended)

A method for developing a maize plant in a maize plant breeding program using plant breeding techniques, which include employing a maize plant, or its parts, as a source of plant breeding material, comprising: obtaining the maize plant, or its parts, of claim 2; and employing said plant or its parts as a source of said breeding material, in a maize plant breeding program.

10. (Amended)

The method of claim 9 wherein plant breeding techniques are selected from the group consisting of: recurrent selection, backcrossing, pedigree breeding, restriction fragment length polymorphism enhanced selection, genetic marker enhanced selection, and

transformation.

11. (Amended)

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A¹ cont'd

A maize plant, or its parts, wherein at least one ancestor of said maize plant is the maize plant, or its parts, of claim 2, said maize plant capable of expressing a combination of at least two traits which are not significantly different from 39M27 when determined at a 5% significance level and when grown in the same environmental conditions, said traits selected from the group consisting of: a relative maturity of approximately 77 based on the Comparative Relative Maturity Rating System for harvest moisture of grain, excellent yield potential, above average early growth, above average test weight, above average dry down, above average root strength, excellent European Corn Borer resistance, and particularly suited to the Northwest, Northcentral, Northeast regions of the United States and to the Ontario, Quebec, Manitoba and Alberta regions of Canada.

13. (Amended)

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A method for developing a maize plant in a maize plant breeding program using plant breeding techniques, which include employing a maize plant, or its parts, as a source of plant breeding material, comprising: obtaining the maize plant, or its parts, of claim 12; and employing said plant or its parts as a source of said breeding material, in a maize plant breeding program.

14. (Amended)

The method of claim 13 wherein plant breeding techniques are selected from the group consisting of: recurrent selection, backcrossing, pedigree breeding, restriction fragment length polymorphism enhanced selection, genetic marker enhanced selection, and transformation.

15. (Amended)

A maize plant, or its parts, wherein at least one ancestor of said maize plant is the maize plant, or its parts, of claim 12, said maize plant capable of expressing a combination of at least two traits which are not significantly different from 39M27 when determined at a 5% significance level and when grown in the same environmental conditions, said traits selected from the group consisting of: a relative maturity of approximately 77 based on the Comparative Relative Maturity Rating System for harvest moisture of grain, excellent yield potential, above average early growth, above average test weight, above average dry down, above average root strength, excellent European Corn Borer resistance, and particularly suited to the Northwest, Northcentral, Northeast regions of the United States and to the Ontario, Quebec, Manitoba and Alberta regions of Canada.

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17. (Amended)

A method for developing a maize plant in a maize plant breeding program using plant breeding techniques, which include employing a maize plant, or its parts, as a source of plant breeding material, comprising: obtaining the maize plant, or its parts, of claim 16; and employing said plant or its parts as a source of said breeding material, in a maize plant breeding program.

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18. (Amended)

The method of claim 17 wherein plant breeding techniques are selected from the group consisting of: recurrent selection, backcrossing, pedigree breeding, restriction fragment length polymorphism enhanced selection, genetic marker enhanced selection, and transformation.

19. (Amended)

A maize plant, or its parts, wherein at least one ancestor of said maize plant is the maize plant, or its parts, of claim 16, said maize plant capable of expressing a combination of at least two traits which are not significantly different from 39M27 when determined at a 5%

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A³ Sub B¹² cont'd
significance level and when grown in the same environmental conditions, said traits selected from the group consisting of: a relative maturity of approximately 77 based on the Comparative Relative Maturity Rating System for harvest moisture of grain, excellent yield potential, above average early growth, above average test weight, above average dry down, above average root strength, excellent European Corn Borer resistance, and particularly suited to the Northwest, Northcentral, Northeast regions of the United States and to the Ontario, Quebec, Manitoba and Alberta regions of Canada.

21. (Amended)

The maize plant of claim 20 wherein said maize plant has been manipulated to be male sterile.

A⁴
22. (Amended)

A method for developing a maize plant in a maize plant breeding program using plant breeding techniques, which include employing a maize plant, or its parts, as a source of plant breeding material, comprising: obtaining the maize plant, or its parts, of claim 20; and employing said plant or its parts as a source of said breeding material, in a maize plant breeding program.

23. (Amended)

The method of claim 22 wherein plant breeding techniques are selected from the group consisting of: recurrent selection, backcrossing, pedigree breeding, restriction fragment length polymorphism enhanced selection, genetic marker enhanced selection, and transformation.

24. (Amended)

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A maize plant, or its parts, wherein at least one ancestor of said maize plant is the maize plant, or its parts, of claim 20, said maize plant capable of expressing a combination of at least two traits which are not significantly different from 39M27 when determined at a 5%

significance level and when grown in the same environmental conditions, said traits selected from the group consisting of: a relative maturity of approximately 77 based on the Comparative Relative Maturity Rating System for harvest moisture of grain, excellent yield potential, above average early growth, above average test weight, above average dry down, above average root strength, excellent European Corn Borer resistance, and particularly suited to the Northwest, Northcentral, Northeast regions of the United States and to the Ontario, Quebec, Manitoba and Alberta regions of Canada.

26. (Amended)

A method for developing a maize plant in a maize plant breeding program using plant breeding techniques, which include employing a maize plant, or its parts, as a source of plant breeding material, comprising: obtaining the maize plant, or its parts, of claim 25; and employing said plant or its parts as a source of said breeding material, in a maize plant breeding program.

27. (Amended)

The method of claim 26 wherein plant breeding techniques are selected from the group consisting of: recurrent selection, backcrossing, pedigree breeding, restriction fragment length polymorphism enhanced selection, genetic marker enhanced selection, and transformation.

28. (Amended)

A maize plant, or its parts, wherein at least one ancestor of said maize plant is the maize plant, or its parts, of claim 25, said maize plant capable of expressing a combination of at least two traits which are not significantly different from 39M27 when determined at a 5% significance level and when grown in the same environmental conditions, said traits selected from the group consisting of: a relative maturity of approximately 77 based on the Comparative Relative Maturity Rating System for harvest moisture of grain, excellent yield potential, above average early growth, above average test weight, above average dry down,

As contd
Sub 13

above average root strength, excellent European Corn Borer resistance, and particularly suited to the Northwest, Northcentral, Northeast regions of the United States and to the Ontario, Quebec, Manitoba and Alberta regions of Canada.

30. (Amended)

A method for developing a maize plant in a maize plant breeding program using plant breeding techniques, which include employing a maize plant, or its parts, as a source of plant breeding material, comprising: obtaining the maize plant, or its parts, of claim 29; and employing said plant or its parts as a source of said breeding material, in a maize plant breeding program.

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31. (Amended)

The method of claim 30 wherein plant breeding techniques are selected from the group consisting of: recurrent selection, backcrossing, pedigree breeding, restriction fragment length polymorphism enhanced selection, genetic marker enhanced selection, and transformation.

32. (Amended)

A maize plant, or its parts, wherein at least one ancestor of said maize plant is the maize plant, or its parts, of claim 29, said maize plant capable of expressing a combination of at least two traits which are not significantly different from 39M27 when determined at a 5% significance level and when grown in the same environmental conditions, said traits selected from the group consisting of: a relative maturity of approximately 77 based on the Comparative Relative Maturity Rating System for harvest moisture of grain, excellent yield potential, above average early growth, above average test weight, above average dry down, above average root strength, excellent European Corn Borer resistance, and particularly suited to the Northwest, Northcentral, Northeast regions of the United States and to the Ontario, Quebec, Manitoba and Alberta regions of Canada.

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